

REMARKS/ARGUMENTS

In the present Office action, claims 1-8 were examined. Claims 1-8 were rejected. Claims 1-8 are believed to be in condition for allowance.

Claim Rejections under 35 U.S.C. 102

The examiner rejected claims 1-5, 7, and 8 as being anticipated by Lundblad et al. Specifically, the examiner notes that Lundblad et al. discloses a baffle plate assembly with a first and second opposing sides attached to an inner surface of a refrigerator apparatus and a baffle seal plate attached along its third side of the baffle plate and attached to the inner surface of the refrigerator apparatus (via the side plates).

Applicant respectfully disagrees with the examiner's characterization of the teachings of Lundblad et al. Specifically, Lundblad et al. does not teach, in any way, shape, or form, a baffle seal plate attached to the inner surface of the refrigerator apparatus. It is of note that, in order to advance an argument to the contrary, the examiner inserts verbiage, specifically "(via the side plates)", which is nowhere present in claim 1 of the present application. Claim 1 of the present application clearly recites the inclusion of "a baffle seal plate attached along a third side of said baffle plate said baffle seal plate attached to said inner surface of said refrigerator apparatus." It is therefore quite evident that the baffle seal plate is attached to the inner surface of the refrigerator apparatus. It is not claimed that the baffle seal plate is attached to a third element which is in turn attached to the refrigerator apparatus.

While applicant therefore disagrees with the examiner to the extent that the examiner claims that Lundblad et al. teaches the elements of the present invention as recited in claim 1, applicant does agree with the examiner that the only way in which Lundblad et al. discloses a baffle seal plate attached to the refrigerator apparatus is if one allows that the baffle seal plate is in fact attached to side plates which are in turn attached to the refrigerator apparatus. Once again, applicant wishes to make explicitly clear that this is not at all what is claimed.

As is evident with reference to FIG. 5 of Lundblad et al., as illustrated, a baffle plate assembly 27 includes two unenumerated lip-like end portions on either longitudinal end of the baffle plate assembly 27. It is of note that what the examiner refers to as a baffle plate assembly 27 of Lundblad et al. is in fact a distributor plate 27. As is evident from FIGS. 3-5, distributor plate 27 is nowhere attached to an inner surface of the refrigerator apparatus. Distributor plate 27 is in fact attached to two vertical plane-like members which extend for the length of distributor plate 27 but are not enumerated. Specifically, the lip-like end plates attached to distributor plate 27 do not anywhere come into contact with the refrigerator apparatus of Lundblad et al. as is clearly seen in FIGS. 3 and 4. It is therefore respectfully asserted that it is not correct to state that there exists any baffle seal plate-like structure taught by Lundblad et al. which is attached to an inner surface of the refrigerator apparatus. It is further argued that the baffle plate assembly/distributor plate 27 of Lundblad et al. is not attached to an inner surface of the refrigerator apparatus either.

As a result of these discrepancies, Lundblad et al. does not teach the two central elements of claim 1 of the present application. As a result, applicant respectfully traverses the examiner's grounds for rejection with respect to claim 1. Claim 1 is therefore believed to be in condition for allowance. As of claims 2-5 and 7 are dependent upon claim 1, claim 1 now believed to be in condition for allowance, claims 2-5 and 7 are likewise believed to be in condition for allowance.

Lastly, the examiner rejects claim 8 as being anticipated by Lundblad et al. The examiner notes that Lundblad et al. discloses an economizer assembly comprising an economizer having an outlet and an inlet and a baffle structure between the outlet and inlet for dampening flow pulsations (by dispersing high velocity flow over a wide horizontal area and eliminating flash gas). In fact, Lundblad et al. is directed to the efficient separation of flashed refrigerant vapor from a resulting liquid spray. As a result, that which the examiner refers to as the baffle plate assembly 27 of Lundblad et al. is substantially perforated by holes 27a which allow for such separation to take place. Such holes would largely, if not entirely, obviate the ability of such a baffle structure to dampen flow pulsations from the inlet. It is of note that the present invention has no such holes, as to include such holes would obviate the purpose to which the apparatus of the present invention is directed. Lundblad et al. makes no mention of any pulsations, but is rather directed to the continuous flow of refrigerant. As a result, Lundblad et al. does not teach the baffle structure of the present invention between an outlet and an inlet to dampen at least one flow pulsation from the inlet. As a result, claim 8 is believed to be in condition for allowance.

Claim Rejections under 35 U.S.C. 103

The examiner noted that claim 6 is unpatentable over Lundblad et al. Claim 6 is dependent upon claim 1. As argued above, claim 1 is in condition for allowance. As a result, claim 6 is likewise believed to be in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

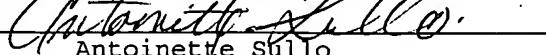
Respectfully submitted,

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Date: August 27, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 27, 2004

  
Antoinette Sullo